

European Parliament vote on the anti-SLAPP Directive

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In April 2022, the European Commission published a legislative proposal for a Directive on the protection of journalists and human rights defenders from manifestly unfounded or abusive court proceedings, now commonly referred to as the anti-SLAPP Directive. The Commission's proposal aimed at providing safeguards for natural and legal persons who engage in public participation on matters of public interest against manifestly unfounded or abusive court proceedings, which are initiated to deter them from public participation.

The prevalence of SLAPPs (strategic lawsuits against public participation) has been identified as a matter of serious concern in some member states in the context of the 2020 and 2021 Rule of Law Reports. While many SLAPPs occur in the domestic context and do not have cross-border implications, they can have a cross-border nature, adding an extra layer of difficulty and costs if this is indeed the case.

The European Parliament's Committee responsible for this file is the Committee on Legal Affairs (JURI) as lead committee, with the Civil Liberties, Justice and Home Affairs (LIBE) Committee associated under Rule 57 of the Rules of Procedure (RoP). In June 2023, JURI adopted the report by rapporteur Tiemo Wölken.

In June of the same year, the EU Council approved a General Approach which became the basis for trilogue negotiations with the parliament.

At the end of November 2023, the co-legislators, the EU Council and the European Parliament, found a compromise on the proposal for the anti-SLAPP Directive. The compromise text provides in particular:

- a broad definition of cross-border cases and of "matters of public interest", including, for instance, EU values,
- an explicit rule on the burden of proof which makes it clear that it lies with the claimant, and not the defendant,
- a compromise version of the rule on reimbursement of costs incurred by the SLAPP victim,

- and that member states will have to provide information for SLAPP victims and publish judgments of the highest courts in SLAPP cases in an electronic format.

The file was then sent back to each institution respectively, leading to a vote on the text by JURI on 24 January 2024 and by the European Parliament on 27 February during a plenary meeting. The text is now awaiting the Council's position.

Initiative against abusive litigation targeting journalists and rights defenders, Legislative Train Schedule, European Parliament

<https://www.europarl.europa.eu/legislative-train/theme-a-new-push-for-european-democracy/file-initiative-against-abusive-litigation-targeting-journalists-and-rights-defenders>

European Parliament legislative resolution of 27 February 2024 on the proposal for a directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”) (COM(2022)0177 - C9-0161/2022 - 2022/0117(COD))

https://www.europarl.europa.eu/doceo/document/TA-9-2024-0085_EN.html

